



CITY OF MORGAN HILL
17555 PEAK AVENUE MORGAN HILL, CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Greg Sellers, Mayor Pro Tempore
Larry Carr, Council Member
Hedy Chang, Council Member
Steve Tate, Council Member

WEDNESDAY, JUNE 9, 2004

AGENDA

CITY COUNCIL SPECIAL MEETING

6:00 P.M.

A Special Meeting of the City Council is called at 6:00 P.M. for the Purpose of Conducting Closed Session and City Business.

Dennis Kennedy, Mayor

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

6:00 P.M.

City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 1

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:30 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

OPPORTUNITY FOR PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL.**

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
1.	30 Minutes	<u>REVIEW OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE INSTITUTE GOLF COURSE AND MATHEMATICS CONFERENCE CENTER</u>.....	1
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt</u> Resolution Certifying the Institute Golf Course EIR, Including the Adoption of the Findings of Overriding Consideration with Respect to the Cumulative Loss of Agricultural Land.	

PUBLIC HEARINGS:

	Time Estimate		Page
2.	90 Minutes	<u>ZONING AMENDMENT, ZA-03-03: FOOTHILL-THE INSTITUTE</u>	11
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Zoning Amendment Ordinance.	
		Action- <u>Motion to Introduce</u> Zoning Amendment Ordinance by Title Only. (Roll Call Vote)	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT



CITY COUNCIL STAFF REPORT

MEETING DATE: *June 9, 2004*

REVIEW OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE INSTITUTE GOLF COURSE AND MATHEMATICS CONFERENCE CENTER

RECOMMENDED ACTION(S):

1. Open/close Public Hearing
2. Adopt Resolution certifying the Institute Golf Course EIR, including the adoption of findings of overriding consideration with respect to the cumulative loss of agricultural land.

Agenda Item #1

Prepared By:

Planning Manager

**Approved/Submitted
By:**

City Manager

EXECUTIVE SUMMARY: Staff is requesting City Council review and certification of Final EIR for the Institute Golf Course. The EIR for this project evaluates a request for a Planned Development Rezoning to allow for the continued operation of an existing 18-hole golf course (including the use of the renovated hanger building as a maintenance building), demolishing the existing 58,946-square foot restaurant building on the site (former Flying Lady restaurant) and constructing a new building in its place for use as the headquarters of the American Institute of Mathematics. The project site consists of approximately 192 acres on the east side of Foothill Avenue, south of Maple Avenue in the O-S, Open Space district.

The golf course as it is presently configured was built without permit from the City. The EIR therefore, evaluates the on-going operation of the golf course that was built on the site **as it was built**. The EIR also describes what were probably the physical impacts of building the golf course, compared to the environmental conditions that are believed to have existed before the golf course was built, based on what remains of those conditions. The EIR identifies methods for reducing project impacts, generally changes in project design or operations that must be considered by the City prior to acting on the requested entitlements. The primary project impacts are to plants and wildlife (endangered species), water quality and water supply, and erosion and drainage impacts. Mitigation measures are identified in the EIR to reduce impacts of the proposed project to less than significant. Mitigation measures identified as **“Not Presently Incorporated into the Proposed Project,”** will need to be adopted as conditions of the project approval. These additional mitigation measures are incorporated into the Zoning Amendment Ordinance as Exhibit “C” (see agenda item 2). Mitigation of impacts to endangered species will require the project proponent purchase off-site replacement habitat and obtain an Incidental Take Permit from the US Fish & Wildlife Service.

The cumulative loss to agricultural land in the project area cannot be feasibly mitigated and will require the Council to adopt findings of overriding consideration. The required findings will be incorporated into the Resolution certifying the EIR. Implementation of the environmental mitigation will be addressed in a Mitigation Monitoring Plan (MMP). A draft of the MMP will be presented at the June 9 Council meeting. The attached Planning Commission report provides additional information on the Draft and Final EIR.

The Planning Commission voted 7-0 to recommend City Council certification of the Environmental Impact Report and approval of the mitigation measures contained in the EIR. The Resolution certifying the EIR, the draft Mitigation Monitoring Program, and Planning Commission meeting minutes will be distributed on Monday, June 7, 2004. Please bring the Draft and Final EIR’s with you to Wednesday’s Council Meeting.

FISCAL IMPACT: No budget adjustment required.



CITY COUNCIL STAFF REPORT

MEETING DATE: *June 9, 2004*

ZONING AMENDMENT, ZA 03-03: FOOTHILL – THE INSTITUTE

RECOMMENDED ACTION(S):

1. Open/close Public Hearing
2. Introduce Zoning Amendment Ordinance (roll call vote)

EXECUTIVE SUMMARY: The City has received a request for a zoning amendment to accommodate an 18-hole private golf course on 128± acres and to allow the development of the 58,550 square foot American Institute of Mathematics (AIM) Research Conference Center on approximately 54 acres. The overall project site is 192 acres and will support a total of 118,000± square feet of building area. The project site is located in the southeastern portion of the City at 14830 Foothill Avenue, between Maple and Robin Avenues.

A five-acre portion of the site contains the existing 58,946 square foot Flying Lady Restaurant building, which has been vacant since 1989. In 1994, the property was sold to the current owner. In 2001, a General Plan Amendment was approved, changing the General Plan designation of the five-acre restaurant site to Open Space, consistent with the remainder of the 192-acre project site. The five-acre restaurant site maintained its PUD zoning. This project would expand the existing PUD zoning designation from the five-acre restaurant site to the entire 192-acre site. The entire site would maintain the Open Space General Plan designation.

The proposed zoning amendment will accommodate redevelopment of the restaurant site, which is currently abandoned. The restaurant building would be replaced with new facilities for the AIM Center and would expand the potential uses at the private golf course. The AIM center will provide mathematical research and library facilities, lecture and conference halls, and overnight lodging for visiting students and researchers. The preliminary design concept indicates Spanish, Moorish and California arts-and-crafts architectural themes. (See attached project design plans, dated 3/3/03.)

The proposed uses within the expanded PUD consist of the AIM Center, including the research facility, library, conference rooms, guest suites, lecture halls, food service, offices, pro shop, and locker rooms (59,000 square feet), a golf course (128 acres), residences, offices, a caretaker's quarters, equipment storage, maintenance sheds, food service, a guard building, a pro shop, restrooms, and open space. The project complies with the landscape buffering requirement of 30 feet at all adjoining public streets as the existing golf course abuts the property line and the street and all other proposed buildings and facilities will be well interior to the site. The applicant has proposed using the facilities to host charity golf tournaments; however, such use will not be immediately permitted with this PUD request because such use has not been evaluated for its environmental impacts. Should the applicant, in the future, wish to host charity golf events or tournaments, the PUD would need to be amended and a separate environmental assessment conducted at such time.

The project EIR is prepared and will be reviewed separately on this same agenda. A mitigation monitoring program will be adopted as part of the EIR certification process to ensure enforcement of all project mitigation measures. The Planning Commission reviewed these applications at their May 25 meeting and continued the item to a special meeting of June 1, 2004, where the Commission voted 7-0, recommending Council Approval. A copy of the Planning Commission staff report is attached for the Council's reference. The Zoning Amendment Ordinance and Conditions of Approval, and Planning Commission meeting minutes will be distributed to the City Council on Monday, June 7, 2004.

FISCAL IMPACT: No budget adjustment required

Agenda Item # 2

Prepared By:

Contract Planner

Approved By:

Planning Manager

Submitted By:

City Manager